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In re Application of OHTA et al :
U.S. Application No.: 10/527,728 :
PCT Application No.: PCT/JP03/11586 :
Int. Filing Date: 10 September 2003 : COMMUNICATION
Priority Date Claimed: 13 September 2002 :
Attorney Docket No.: 74606-010100 :
For: IMPACT ABSORBING MECHANISM OF :
WALKING ROBOT :

This is in response to applicant's "Supplemental Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office" filed 09 February 2006.

BACKGROUND

On 10 September 2003, applicant filed international application PCT/JP03/11586, which claimed priority of an earlier Japan application filed 13 September 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 25 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 14 March 2005 (13 March 2005 was a Sunday).

On 14 March 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 August 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 October 2005, applicant filed an executed declaration.

On 31 January 2006, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy in the name of the first inventor.

On 09 February 2006, applicant filed the present response.

DISCUSSION

A review of the application file reveals that the given name of the first inventor is listed in the international application as "Naruhiko" while the given name is listed in the declaration as "Shigehiko". Furthermore, the given name of the third inventor is listed in the international application as "Takamasa" while the given name is listed in the declaration as "Takakatsu". In that this is clearly more than a mere typographical error or transliteration error (e.g. "Oota" versus "Ohta"), a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$400.00 as well as a statement from the inventor and statements from any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered and must also set forth that the mistake was an inadvertent error without deceptive intent.

CONCLUSION

A proper response must be filed within TWO (2) MONTHS from the mail date of this communication. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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